

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AUSTIN LEE PIPE, SR.,

Defendant.

CR-20-48-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on April 19, 2024. (Doc. 100.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on April 16, 2024. (Doc. 82.) The United States accused Austin Pipe (Pipe) of violating his conditions of

supervised release 1) by failing to comply with his substance abuse treatment requirements; 2) by to comply with his substance abuse testing requirements; 3) by failing to refrain from an unlawful use of a controlled substance by using methamphetamine and MDMA and fentanyl; and 4) by failing to refrain from the unlawful use of a controlled substance by using methamphetamine on April 7, 2024. (Docs. 69 and 79.)

At the revocation hearing, Pipe admitted to having violated the conditions of his supervised release Pipe had admitted he had violated the conditions of his supervised release: 1) by failing to comply with his substance abuse treatment requirements; 2) by failing to comply with his substance abuse testing requirements; and 3) by using methamphetamine. Pipe then admitted to violation 4 set forth in the Amended Petition, specifically admitting using methamphetamine on April 7, 2024.. (Doc. 97.). Judge Johnston found that the violation Pipe admitted proves serious and warrants revocation of his supervised release and recommends a custodial sentence of 4 months of custody, with 30 months of supervised release to follow with the first 60 days of his supervised release spent in a secure in-patient drug treatment facility. (Doc. 84.) Pipe was advised of his rights to appeal and allocute to the undersigned and waived those rights. (Doc. 82.) The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 84) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Austin Lee Pipe, Sr. be sentenced to the Bureau of Prison for 4 months, with 30 months of supervised release to follow with the first 60 days of supervised release spent in a secure in-patient drug treatment facility. Pipe will serve his sentence in the District of Montana.

DATED this 22nd day of April, 2024.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court